

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Paul D. Shirley
Serial No. : 10/773,968
Filed : February 6, 2004
Title : DEVICE AND METHOD FOR FORMING IMPROVED RESIST LAYER
Docket : MIO 0112 PA/40509.272
Art Unit : 1792
Examiner : Jolley, Kirsten
Confirm. No. : 7341

EFS Web Electronic Submission

November 5, 2007

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This paper is responsive to the Office Action mailed October 25, 2007. The Examiner has required restriction under 35 USC §121 to one of two groups of claims: Group I includes claims 1-20, drawn to a device for depositing a solution onto a substrate, and Group II includes claims 21-37, drawn to a method of forming a resist layer.

The Examiner further requires an election of species under 35 USC §121 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. Specifically, the Examiner contends that a fluid dispensing nozzle that is moveable relative to the substrate, and a plurality of fluid dispensing nozzles (at fixed locations); and control fluid is air, or control fluid is a substantially inert gas. Currently claims 1, 5-11, 14-17, 21-23, 25-33 and 35-37 are generic.

Applicant hereby provisionally elects the claims designated as Group I, that is, claims 1-20, for prosecution on the merits.

With respect to the election of species requirement, Applicant hereby provisionally elects the species with a moveable fluid dispensing nozzle, where the control fluid is made up of air. The claims that read on this elected species are claims 1, 2, 5-18 and 20.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /John D. Reed/

John D. Reed
Registration No. 46,506

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
E-mail: john.reed@dinslaw.com

JDR/AMM